

DOCKET NO: 305976US91

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
DANIEL J. MENDEZ, ET AL. : EXAMINER: LIN, KENNY S.  
SERIAL NO: 09/528,363 :  
FILED: MARCH 17, 2000 : GROUP ART UNIT: 2152  
FOR: SYSTEM AND METHOD FOR :  
AUTOMATICALLY FORWARDING  
EMAIL AND EMAIL EVENTS VIA A  
COMPUTER NETWORK TO A  
SERVER COMPTUER

PETITION UNDER 37 C.F.R. § 1.137(b) TO WITHDRAW  
THE HOLDING OF ABANDONMENT  
AND STATEMENT

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

The above-identified application was finally rejected in an Office Action issued on June 9, 2006. Applicants' prior counsel of record filed an Amendment in response to the final Office Action under 37 C.F.R. § 1.114, with appropriate extensions of time and fees, on December 11, 2006. On March 14, 2007, Applicants' prior counsel submitted a petition to withdraw as attorney. The Office of Petitions subsequently denied this petition on August 27, 2007.

On April 27, 2007, this Application was transferred to Applicants' current counsel. The Applicants and Applicants current counsel were waiting for an Office Communication in response to the Amendment filed on December 11, 2006. Since Applicants current counsel did not receive the expected Office Communication,

Applicants current counsel contacted the Examiner and learned that a Notice of Non-Compliance for the Amendment filed on December 11, 2006 was mailed on February 15, 2007. Neither Applicants' nor Applicants' current counsel were aware of this Notice. Due to lack of response, this application is now abandoned.

Applicants hereby state that it was not their desire to let this application go abandoned, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Accordingly, it is requested that the holding of abandonment be withdrawn and that the response to the Notice of February 15, 2007, filed herewith, be entered allowing prosecution to continue in the present application.

The undersigned petitioners declare further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
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